

Document No. 3155
Adopted at Meeting of 7/10/75
BOSTON REDEVELOPMENT AUTHORITY

REPORT AND DECISION ON THE APPLICATION OF ANDERSON STREET ASSOCIATES FOR THE AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS (TER.ED.), AS AMENDED, AND CHAPTER 652 OF THE ACTS OF 1960, TO BE UNDERTAKEN AND CARRIED OUT BY A LIMITED PARTNERSHIP FORMED UNDER MASSACHUSETTS GENERAL LAWS, CHAPTER 109, AND APPROVAL TO ACT AS AN URBAN REDEVELOPMENT LIMITED PARTNERSHIP UNDER SAID CHAPTER 121A.

A. The Hearing. A public hearing was held at 1:30 P.M. on April 17, 1975, in the offices of the Boston Redevelopment Authority, (hereinafter called the "Authority"), at the New City Hall, Room No. 921, Boston, Massachusetts, by the Authority on an Application, (hereinafter called the "Application"), filed by the Cambridge Street Development Corporation, Arthur M. Winn, and Stanley H. Sydney for Anderson Street Associates, (hereinafter called the "Applicants"), for Authorization and Approval of a Redevelopment Project Under Chapter 121A of the General Laws of the Commonwealth of Massachusetts and Chapter 652 of the Acts of 1960, as amended (hereinafter called the "Project"), due notice of said hearing having been given previously by publication on April 1, 1975, and April 8, 1975, in the Boston-Herald-American, a daily newspaper of general circulation published in Boston, and mailing postage prepaid in accordance with Rule 8 of the Rules and Regulations of the Authority for Securing the Approval of Chapter 121A Projects, and in accordance with the provisions of Section 13 of Chapter 652 of the Acts of 1960, as amended. Joseph J. Walsh, Vice Chairman, James G. Colbert, Paul J. Burns and James K. Flaherty, members of the Authority, were present throughout the hearing.

B. The Project. The Project consists of the rehabilitation, operation, and maintenance by the Limited Partnership under Chapter 121A of approximately 59 units of low and moderate income housing and appurtenant facilities. The Project is on Cambridge and Anderson Streets and now includes a six-story and two-story parking garage and

twenty-seven (27) units of housing in three stone masonry bearing wall structures. The premises on which the Project is to be located are hereinafter referred to as the "Project Area". The Project is to be financed by the Massachusetts Housing Finance Agency.

The Applicants propose to build the following on the Project Area:

The 59 units of housing will include the following bedroom distribution:

16	-	one-bedroom flats
30	-	two-bedroom flats
1	-	three-bedroom flat
2	-	two-bedroom duplexes
10	-	three-bedroom duplexes

The appurtenant facilities will include landscaping, walks, driveways, 14,900 square feet of retail and commercial space and a 22-car garage. The makeup and design of the Project are fully shown on the Plans filed herewith as Exhibit J.

C. Authority Action: In passing upon the Application, the Authority has considered the Application itself, all Documents, Plans and Exhibits filed therewith or referred to therein, the oral evidence presented at the Hearing, the Exhibits offered in evidence at the Hearing and the arguments and statements made at the Hearing. The staff of the Authority have also viewed the Project Area.

The Project, as defined in the Application, constitutes a Project within the meaning of Section 1 of Chapter 121A of the General Laws, providing, as it does, for the construction, rehabilitation, operation and maintenance of decent, safe and sanitary residential buildings and appurtenant facilities.

D. Project Area: Decadent and Substandard.

The Project Area is a decadent area and a substandard area as defined in Section 1 of Chapter 121A. The Project Area is a decadent area which is detrimental to the safety, health, morals, welfare and sound growth of the community because of the existence of buildings which are out of repair, physically deteriorated, unfit for human habitation, obsolete and in need of major maintenance and repair. In addition, the Project Area is a substandard area in which the dwellings are dilapidated, overcrowded, faultily

arranged and designed, lacking ventilation, light and adequate sanitation facilities. The conditions warrant the carrying out of the Project in accordance with the legislative mandate contained in Chapter 121A of the General Laws and the Application constitutes a Project within the meaning of that law.

The purpose of Chapter 121A and Chapter 652 of the Acts of 1960, will be met by this Project. There is a demand for decent, safe and sanitary housing at rental levels below those which conventional operations of the real estate market produces in this area of the city. The Project will be occupied by persons of low and moderate income and a minimum of 25% of the units will be made available for low income persons. The Project will provide adequate financial return to the City of Boston. Exhibit G of the Application sets forth the amounts to be paid by the Agreement to the City of Boston in addition to the excise tax prescribed by Section 10 of Chapter 121A. Exhibit G of the Application is attached only for illustrative purposes. The Contract concerning the tax arrangement for the Project is between the City and the Applicant. Approval of this Report and Decision does not bind the Authority, the City or the Applicant to the terms and conditions of Exhibit G.

E. Cost of the Project. In the opinion of the Authority, the cost of the Project has been realistically estimated in the Application and the Project is practicable. The estimated cost is \$1,800,000. The Project is to be built under a mortgage financing program of the Massachusetts Housing Finance Agency. The Application contains a form of Partnership Agreement illustrating, in a general fashion, the organization framework of the Partnership to be called Anderson Street Associates. Experience with similar financing and organizational methods persuades the Authority that the financing program is realistic.

F. Consistency With Master Plan. It has been determined that the Project does not conflict with the Master Plan of the City of Boston.

G. Effect of the Project. The Project will not be detrimental to the best interests of the public or the City or the public safety or conscience or be inconsistent with the most suitable development of the City. The carrying out of the Project will replace the present decadent and substandard conditions of the Project Area with suitable accommodations for low and moderate income persons. The design and proposed occupancy of the Project have been reviewed by the Design Review Staff of the Authority and are subject to further Design Review. The Project's physical design, consisting of a mixture of duplex townhouses and a midrise structure, and the placement of these various structures in relation to each other within the Project Area, has been developed so that the Project relates in scale to the Cambridge Street area and the low-rise dwellings comprising the community in which the Project Area is located. Economic, as well as physical integration into the community will result from the availability of housing for the residents of the community. The Project does not include land within any location approved by the Department of Public Works for the extension of the Massachusetts Turnpike and the City of Boston. The carrying out of the Project will involve partial interior and total demolition of buildings occupied in whole or in part as dwellings. A relocation plan has been submitted, reviewed and revised in accordance with the Authority's Relocation Staff. The revised Relocation Plan has been filed by the Applicants as an amendment to the Application, and a list of the changes is attached to this Report and Decision.

H. Environmental Considerations. Conformably with the provisions of Section 62 of Chapter 30 of the General Laws (as inserted by Chapter 781 of the Acts of 1972), and the Regulations thereunder as adopted by the Authority on April 11, 1974, the Authority has made an environmental examination which contains, among others, the following findings:

- 1.) The Project is near the Phillips Street Playground and will affect the

playground for a short time during construction, but after construction will provide a better surrounding for the playground. C.S.CDC is working with the Park Dept. on upgrading of the Playground.

2.) There are no unique natural or man-made features affected by the Project.

3.) Buildings are within the Beacon Hill Historic District and all but one building which is scheduled for demolition will be restored rather than changed significantly. The building scheduled for demolition is small and barely visible from the street. The garage building will be changed significantly to improve the quality of residential life in the area.

4.) There are no scarce natural resources in the Project Area.

5.) No endangered wildlife, or fish exist in the Project Area.

6.) Being urban, the Project has no impact on any wilderness areas.

7.) The Project will require deviations from the Zoning Code of the City of Boston as further detailed herein, but not in such manner as will cause damage to the environment.

8.) A permit is required and has been obtained from the Beacon Hill Architectural Commission in order to demolish and alter structures in the Beacon Hill Historic District.

9.) The Project does not involve the disposal of potentially hazardous materials.

10.) The Project does not involve the construction of facilities in a flood Plan.

11.) The Project, except necessarily during construction, will not result in the generation of a significant amount of noise, or dust.

12.) The Project does not affect an area of important scenic value.

Therefore the Authority concludes that the Project will not cause any environmental damage. The Environmental Assessment of the Project has been completed jointly by the Authority and the Massachusetts Housing Finance Agency, and a joint report will be filed by the Authority and the MHFA with the Secretary of Environmental Affairs. The Authority hereby determines that the Project will not cause any significant environmental damage and finds that no other action must be taken.

I. Minimum Standards. The minimum standards for financing, construction, operation, and maintenance of the Project, set forth in Exhibit F, filed with and attached to the Application, are hereby adopted and imposed as rules and regulations applicable to this Project for the same period as the Project is subject to the provisions of said Chapter 121A and said Chapter 652.

In addition to the minimum standards set forth in Exhibit D, the Authority hereby requires that the Applicant, prior to obtaining a building permit, (1) enter into a Regulatory Agreement with the Authority pursuant to the requirements of General Laws, Chapter 121A, Section 18C and containing such other terms and conditions as the Authority may in its discretion deem necessary and appropriate; (2) submit to the Authority for its review and approval such Plans and Specifications for the Project as the Authority may require, and accept such changes and modifications thereto as the Authority may deem necessary or appropriate; and (3) adhere to such Design Review Controls and Requirements as the Authority may in its discretion impose.

The carrying out of the Project will require the granting of a permit for the erection, maintenance and use of a garage within 500 feet of one or more buildings occupied in whole or in part as a public or private school having more than 50 pupils, and as a public or private hospital having more than 25 beds, and as a church. The Authority finds that such garage and parking facilities provided therein will not be substantially detrimental to any such school, hospital or church because such garage and facilities will be operated so as to prevent the emission of objectionable noise, fumes and odors and will not interfere substantially with the flow of traffic and will substantially reduce the traffic flow, emission of objectionable noises, fumes and odors, in that the existing garage facilities are being reduced from 170 spaces to 22 spaces.

The Project does not involve the construction of units which constitute a single building or a type which could be considered as a separate building under the Boston Building Code and the Zoning Law of Chapter 138 of the General Laws.

J. Zoning and Building Code Deviations. Exhibit E filed with and attached to the Application lists Zoning and Building Code Deviations. Attached to the Report is and Decision/the First Amendment to Exhibit E which lists additional Building Codes from which permission to deviate is requested. Also attached to this Report and Decision is a Second Amendment to Exhibit E of the Application which lists additional Zoning Codes from which permission to deviate is requested. For reasons set forth in the Application and supporting documents, including said Exhibit E and amendments thereto and on the basis of the evidence presented at the Hearing, and in this Report, the Authority hereby finds that each and every one of the permissions hereinafter granted is reasonably necessary for the carrying out of the total Project and may, subject to such conditions as are hereafter set forth with respect thereto respectively, be granted without substantially derogating from the intent and purposes of the Applicable laws, codes, ordinances, and regulations, respectively; and the Authority is also satisfied by reliable and generally accepted tests, or by experience in other cities that the other designs, construction, materials, apparatus, equipment or methods specified in the Application and supporting documents, including Exhibit E, and in the evidence presented at the hearing, will sufficiently satisfy the purposes for which it or they are to be used and the purposes of the applicable laws, codes, ordinances, or regulations, respectively.

In addition to the following provisions, permission was requested to deviate from Section 609.11 of the State Building Code. This request was withdrawn by the Applicant.

Zoning Codes Deviations permitted are as follows:

- 1) Section 14-5(b)
Access

It is requested that access to rear building on Anderson Place be five (5) feet wide.

2) Section 14-5(c)
(Section 20-4)
Building distance

It is requested that the distance between the main building and the main building on the rear of the lot be 22 feet.

3) Section 15-1
Floor Area Ratio

Garage site - It is requested that the floor area ratio be 3.04.

Anderson Street-It is requested that the floor area ratio be 2.3.

4) Section 16-1
Height of Buildings

Garage site - It is requested that the height of the building be seven (7) stories at 69 feet 3 inches.

5) Section 17-1
Open space

Garage site - It is requested that the open space be 6500 sq.ft.

6) Section 23-7A
Parking Spaces

It is requested that number of parking spaces be 22.

7) Section 23-9(d)

It is requested that four (4) parking spaces (of total of 22) be eleven (11) feet by seventeen (17) feet and designated for small cars.

Permission is required to deviate from the requirements of the State Building Code as they apply to the Project Area as follows:

1) Section 509.1

Interior kitchens greater than 70 sq.ft. shall have natural ventilation. Existing conditions make partitioning of kitchen with exterior window impossible.

2) Section 718.0

Earthquake Load. The Anderson Street buildings, built in 1895, are not able to comply due to the lack of reinforcement in the walls.

3) Section 816.2

Mortar types and proportions. The Anderson Street buildings, built in 1895, are not able to comply with the code requirements.

The Amended Exhibit E included the request for permission to deviate from the following Building Codes in addition to the above.

1) Section 605.4

Existing use changed - request permission to reuse existing concrete stairway which does not conform to the following provisions:

2) Section 616.21

Width - required width = 42"
Existing width = 36"

3) Section 616.32

Vertical rise - no more than 15 risers allowed between landings. Since winders are used, no landing is provided in existing stair.

4) Section 616.41

Minimum dimensions - Code claims for 9" minimum tread with at least 1" nosing. Existing stair has 9½" tread with no nosing.

5) Section 616.42

Winders - Existing stair has winders which are not allowed by the State Building Code.

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July 10, 1975

MEMORANDUM

3155
TO: BOSTON REDEVELOPMENT AUTHORITY
FROM: ROBERT T. KENNEY, DIRECTOR
SUBJECT: ANDERSON STREET ASSOCIATES
APPROVAL OF 121A REPORT AND DECISION AND AMENDMENTS
TO THE APPLICATION WITH STATEMENT OF NO SIGNIFICANT
ENVIRONMENTAL IMPACT

On April 17, 1975, a public hearing was held for approval of the formation of Anderson Street Associates pursuant to Chapter 121A of the Massachusetts General Laws.

The Applicants sought consent for the formation of a Limited Partnership which entity would construct and rehabilitate 59 dwelling units in an existing six story and two story garage on Cambridge Street and three townhouses on Anderson Street. The Project is to provide housing for low and moderate income persons and will be financed by the Massachusetts Housing Finance Agency.

Included in the Report and Decision is reference to the part that the Applicant has requested that Exhibit E to the Application be amended by adding the request for permission to deviate from five additional Building Codes. This Amendment is attached to the Report and Decision as the First Amendment to Exhibit E of the Application. The Applicant has also requested that Exhibit E be further amended to revise the list of deviations from the Zoning Code. This Amendment has been reviewed and recommended by the Authority staff. This request is attached to the Report and Decision as the Second Amendment Exhibit E of the Application.

Also indicated in the Report and Decision is reference to the fact that the proposed Project Relocation Plan has been amended in accordance with comments made by the Authority. The changes made are primarily for the purpose of clarifying the language and terms of the Relocation Plan. An outline of the changes made to the Relocation Plan are attached to the Report and Decision as the First Amendment to the Application. It is the opinion of the Chief General Counsel that the amendments made are minor in nature.

As indicated above the Fire Department has reviewed the plans for the Project and the requested deviations from the State Building Code. The Fire Department does not object to the deviations requested except Section 609.11 and as indicated that request has been deleted. The Building Department has provided the Authority with a letter stating that it has reviewed the deviations requested and has indicated that it concurs in the granting of deviations.

The Authority has also made inquiry into the Environmental Impact of the Project pursuant to Section 61 and 62 of Chapter 30 of the Massachusetts General Laws. The proposal of Anderson Street Associates has been examined both as to its Environmental Impact and as to its Chapter 121A criteria and is found fully acceptable.

It is therefore appropriate at this time that the Authority adopt the Report and Decision for Anderson Street Associates with the Amendments to the Application and approve the Project as having no significant Environmental Impact.

An Appropriate Vote is attached.

VOTED: That the document presented at this meeting entitled "Report and Decision on the Application of Anderson Street Associates for the Authorization and Approval of A Project under Massachusetts General Laws (Ter.Ed.) As amended, and Chapter 652 of the Acts of 1960 to be undertaken and carried out by a Limited Partnership formed under Massachusetts General Laws, Chapter 109, and Approval to Act as an Urban Redevelopment Limited Partnership Under said Chapter 121A", which includes the document entitled, "FIRST AMENDMENT TO EXHIBIT E OF APPLICATION FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 121A AS AMENDED AND CHAPTER 652 OF THE ACTS OF 1960 AS PREVIOUSLY FILED ON BEHALF OF CAMBRIDGE STREET COMMUNITY DEVELOPMENT CORPORATION, STANLEY H. SYDNEY AND ARTHUR M. WINN FOR A PROJECT TO BE KNOWN AS ANDERSON STREET ASSOCIATES", and includes the document entitled "SECOND AMENDMENT TO EXHIBIT E OF APPLICATION FOR AUTHORIZATION AND APPROVAL OF A PROJECT UNDER MASSACHUSETTS GENERAL LAWS CHAPTER 121A AS AMENDED AND CHAPTER 652 OF THE ACTS OF 1960 AS PREVIOUSLY FILED ON BEHALF OF CAMBRIDGE STREET COMMUNITY DEVELOPMENT CORPORATION, STANLEY H. SYDNEY AND ARTHUR M. WINN FOR A PROJECT TO BE KNOWN AS ANDERSON STREET ASSOCIATES, and also includes the document entitled "Amendments to Relocation Plan", and which Report and Decision also includes a determination by the Authority that said Project has no significant Environmental Impact, be and hereby is approved and adopted.